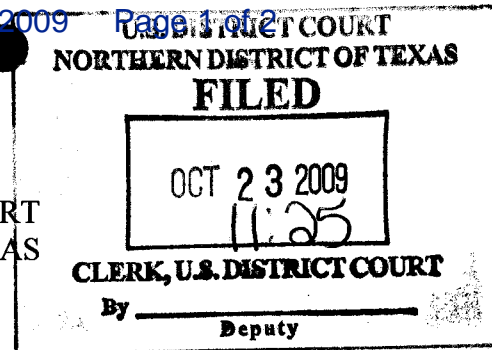


CTJ/RMT
ORIGINALIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISIONJOSE MERCED, PRESIDENT,
TEMPLO YORUBA OMO
ORISHA TEXAS INC.
Plaintiff§
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Civil Action No. 4-O6CV-891—A

V.

THE CITY OF EULESS
Defendant

PLAINTIFF'S RESPONSE TO DEFENDANT'S RESPONSE
AND BRIEF IN OPPOSITION TO PLAINTIFF'S ATTORNEY FEES

TO THE HONORABLE JUDGE OF THE COURT:

José Merced, plaintiff, files this answer to *Defendant's Response to Plaintiff's Opposed Motions for Attorneys' Fees, Taxable Costs and Untaxable Costs*, and *Defendant's Brief in Support of Response to Plaintiff's Opposed Motions for Attorneys' Fees, Taxable Costs and Untaxable Costs*, and respectfully therefore shows the following:

ARGUMENT

Defendant expends considerable ink, paper, eloquence, and attorney time in arguing to the district court why it should reverse the order of the Court of Appeals awarding the plaintiff his attorney fees. Plaintiff responds that the district court lacks jurisdiction to reverse the order of the Court of Appeals.


The Court of Appeals remanded this matter to the district court for the sole purpose of determining the amount of attorney fees that should be awarded to the plaintiff, and not whether the plaintiff is entitled to them. The plaintiff now reiterates, incorporates by reference, and rests on the *Plaintiff's Motion for Attorney Fees* and *Plaintiff's Appendix in Support of Motion for*

Attorney Fees, which he previously filed in this matter.

PRAYER

WHEREFORE, Merced respectfully prays this Court to award attorney fees of \$107,599 and taxable costs of \$5,096.72, and non-taxable costs of \$996.43 for the work of his attorney in the trial court, and as prayed for the work and costs incurred in the Court of Appeals.

Respectfully submitted,


JOHN WHEAT GIBSON, P.C.
By John Wheat Gibson
Texas Bar No. 07868500
701 Commerce, Suite 800
Dallas, Texas 75202
(214) 748-6944, FAX (214) 748-8693
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a true copy of the above *Certificate of Interested Persons* was served on William M. McKamie, counsel for Defendant, by fax to (210)546-2130 and by first class mail to 941 Proton Rd., San Antonio, TX 78258 on 22 October 2009.

